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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

CISCO SYSTEMS, INC.,

Plaintiff,

vs.

ARISTA NETWORKS, INC.,

Defendant.

CASE NO. 5:14-cv-5344-BLF

**DECLARATION OF SARA E. JENKINS  
IN SUPPORT OF ARISTA'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL CONFIDENTIAL  
INFORMATION IN ARISTA'S  
OPPOSITION TO ARISTA'S MOTION  
FOR PARTIAL SUMMARY JUDGMENT**

Judge: Hon. Beth Labson Freeman

**DECLARATION OF SARA E. JENKINS**

I, Sara E. Jenkins, declare as follows:

1. I am an attorney licensed to practice in the State of California and am admitted to practice before this Court. I am an associate with the law firm Quinn Emanuel Urquhart & Sullivan, LLP, counsel for Plaintiff Cisco Systems, Inc. ("Cisco"). I have personal knowledge of the matters set forth in this Declaration, and if called as a witness I would testify competently to those matters.

2. I make this declaration in support of Arista Networks Inc.'s ("Arista") Administrative Motion to File Under Seal Confidential Information in connection with Arista's Opposition to Cisco's Motion for Partial Summary Judgment ("Opposition."). Dkt. 378. I make this declaration in accordance with Civil Local Rule 79-5(e)(1) on behalf of Cisco to confirm that the information contained in the documents referenced in the Sealing Motion should be sealed.

3. As an Opposition to a Motion for Partial Summary Judgment, Arista's Opposition is considered to be dispositive. In this context, materials may be sealed so long as the party seeking sealing provides "compelling reasons supported by specific factual findings that outweigh the general history of access and the public policies favoring disclosure." *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178-1179 (9th Cir.2006). Compelling reasons for sealing court files generally exist when such "court files might have become a vehicle for improper purposes," such as the use of records to gratify private spite, promote public scandal, circulate libelous statements, or release trade secrets." *Id.* (quoting *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978)). Under this standard, compelling reasons have been found to seal documents such as those containing confidential source code (*Apple, Inc. v. Samsung Electronics Co., Ltd.*, Case No. 11-cv-1846, D.I. 2190 at 3 (Dec. 10, 2012); documents related to the "internal procedures for addressing cardholder fraud notifications" of a bank, *id.* at \*2-3 (*Cowan v. GE Capital Retail Bank*, No. 13-cv-03935-BLF, 2015 WL 1324848, at \*1-3 (N.D. Cal. Mar. 24, 2015)); documents containing "information about [a party's] business performance, structure, and

1 finances that could be used to gain unfair business advantage against them,” *Schwartz v. Cook*,  
 2 No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016); documents  
 3 containing “highly sensitive information regarding [a party’s] product architecture and  
 4 development,” *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014 WL 4145520, at \*2  
 5 (N.D. Cal. Aug. 20, 2014); documents in the form of “emails containing information about [a  
 6 party’s] business practices, recruitment efforts, and discussions regarding potential partnerships  
 7 with other product manufacturers,” *Koninklijke Philips N.V. v. Elec-Tech International Co., Ltd.*,  
 8 No. 14-cv-02737-BLF, 2015 WL 581574, at \*1-2 (N.D. Cal. Dec. 10, 2015); and documents  
 9 containing “information regarding non-public recruitment efforts and business practices” of a  
 10 party, *id.* at \*2-3.

11       **4.** Pursuant to Civil L.R. 79-5(e)(1), compelling reasons exist to seal the portions of  
 12 the following documents that contain Cisco confidential information, and that are detailed below  
 13 in paragraphs 5-43: Exhibits 1 and 38 to the Declaration of John R. Black Jr. in Support of  
 14 Arista’s Opposition (“Black Declaration”), Exhibits 1 and 2 to the Declaration of Cate M. Elsten  
 15 in Support of Arista’s Opposition (“Elsten Declaration”), Exhibits 1, 4, 9D, 9E, 9F, 11, 15, 16, 17,  
 16 18, 19, 20, 21, 22, 25, 26, 27, 29, 31, 32, 33, 37, 45, 48, 51, 52, 53, 55, 56, 57, 59, 61, 62, 63 to the  
 17 Declaration of Ryan Wong in Support of Arista’s Opposition (“Wong Declaration”). Cisco is not  
 18 supporting the sealing of the following documents, although Arista and/or third parties may have  
 19 filed declarations to support the sealing of these documents: Arista’s Opposition, Exhibit 1 to the  
 20 Declaration of William M. Seifert in Support of Arista’s Opposition (“Seifert Declaration”),  
 21 Exhibits 2, 7, 8, 9C, 24, 28, 43, 44, 46, 47, 49, 50, 54, 58, and 60 to the Wong Declaration.

22       **5.** Exhibit 1 to the Black Declaration is Mr. Black’s opening expert report and  
 23 contains information that was designated by Cisco in this matter as “Highly Confidential –  
 24 Attorneys’ Eyes Only” under the Protective Order. Specifically, Cisco supports the sealing of the  
 25 highlighted portions of paragraphs 120, 123-125, 132, 161, 433, 438, 448-459, 461-471, 478-482,  
 26 498, 500-502, 504, 508, 510, 514, 515, 570, 580, 636, 689-691, 696, 700 and footnotes 32, 35, 40,

1 and 128. These portions of this exhibit contain Cisco's confidential source code, discussions of  
 2 related confidential third-party source code, as well as confidential information about Cisco's  
 3 licenses, business development, and competitive intelligence. As such, there are compelling  
 4 reasons to seal the specified portions of this document. *See Agency Solutions.Com, LLC v.*  
 5 *TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011) (source code is "undoubtedly a  
 6 trade secret" within the sealing context); *Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
 7 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing "information about [a party's]  
 8 business performance, structure, and finances that could be used to gain unfair business advantage  
 9 against them," are properly sealed); *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-04613-BLF, 2014  
 10 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014) (compelling reasons exist to seal documents  
 11 containing "highly sensitive information regarding [a party's] product architecture and  
 12 development.")

13         **6.** Exhibit 38 to the Black Declaration is Mr. Black's rebuttal expert report and  
 14 contains information that was designated by Cisco in this matter as "Highly Confidential –  
 15 Attorneys' Eyes Only" under the Protective Order. Specifically, Cisco supports the sealing of  
 16 paragraphs 50-51, 55, 148, 155, 156, 159, 160, 165, and 170. These portions of this exhibit  
 17 contain Cisco's confidential source code, discussions of related confidential third-party source  
 18 code, as well as confidential information about Cisco's business development. As such, there are  
 19 compelling reasons to seal the specified portions of this document. *See Agency Solutions.Com,*  
 20 *LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011) (source code is  
 21 "undoubtedly a trade secret" within the sealing context); *Schwartz v. Cook*, No. 5:15-cv-03347-  
 22 BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing "information  
 23 about [a party's] business performance, structure, and finances that could be used to gain unfair  
 24 business advantage against them," are properly sealed); *Delphix Corp. v. Actifio, Inc.*, No. 13-cv-  
 25 04613-BLF, 2014 WL 4145520, at \*2 (N.D. Cal. Aug. 20, 2014) (compelling reasons exist to seal

1 documents containing “highly sensitive information regarding [a party’s] product architecture and  
2 development.”)

3       **7.** Exhibit 1 to the Elsten Declaration is Ms. Elsten’s June 3, 2016 expert report and  
4 contains information that was designated by Cisco in this matter as “Highly Confidential –  
5 Attorneys’ Eyes Only” under the Protective Order. Specifically, Cisco supports the sealing of the  
6 highlighted portions of the following: page 7, the top of page 9, page 14, page 15, page 21, the  
7 top 2 lines and bottom 7 lines of page 22, pages 23-28, the top of page 32, and page 33. These  
8 portions of this exhibit contain confidential and sensitive information about Cisco’s business  
9 development and technology as well as Cisco’s competitive strategies. Therefore, compelling  
10 reasons justify sealing these portions of this exhibit. *See Schwartz*, 2016 WL 1301186, at \*2  
11 (discussing the harm that could result by the dissemination of similar sensitive internal business  
12 information to competitors); *Delphix*, 2014 WL 4145520, at \*2 (same); *Koninklijke Philips*, 2015  
13 WL 581574, at \*1-3 (same).

14       **8.** Exhibit 2 to the Elsten Declaration is Ms. Elsten’s rebuttal expert report and  
15 contains information that was designated by Cisco in this matter as “Highly Confidential –  
16 Attorneys’ Eyes Only” under the Protective Order. This exhibit contains confidential and  
17 sensitive business and pricing information, confidential information about actual and prospective  
18 customers, as well as confidential data related to Cisco’s sales and revenue. Cisco maintains this  
19 information in strictest confidence. Highly confidential Cisco information is intertwined  
20 throughout this exhibit. Therefore, compelling reasons justify sealing the entirety of this exhibit.  
21 *See Schwartz*, 2016 WL 1301186, at \*2 (discussing the harm that could result by the dissemination  
22 of similar sensitive internal business information to competitors); *Delphix*, 2014 WL 4145520, at  
23 \*2 (same); *Koninklijke Philips*, 2015 WL 581574, at \*1-3 (same).

24       **9.** Exhibit 1 to the Wong Declaration is an excerpt of the 11/20/2015 deposition  
25 testimony of Kirk Lougheed, which was designated by Cisco in this matter as “Highly  
26 Confidential – Attorneys’ Eyes Only” under the Protective Order. Cisco supports the sealing of

1 55:2-56:18, 95:9-99:14; 178:11-13. These portions of this exhibit contain details regarding the  
 2 witness's personal work history, confidential Cisco licensing information and confidential source  
 3 code. As such, there are compelling reasons to seal the specified portions of this exhibit. *See*  
 4 *Agency Solutions.Com, LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011)  
 5 (source code is "undoubtedly a trade secret" within the sealing context); *Schwartz v. Cook*, No.  
 6 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing  
 7 "information about [a party's] business performance, structure, and finances that could be used to  
 8 gain unfair business advantage against them," are properly sealed).

9 **10.** Exhibit 4 to the Wong Declaration is an excerpt of the deposition testimony of  
 10 Anthony Li, which was designated by Cisco in this matter as "Highly Confidential – Attorneys'  
 11 Eyes Only" under the Protective Order. Cisco supports the sealing of 9:21-23; 152:8-20; 227:19-  
 12 22; 236:22-24. These portions of this exhibit contain details regarding the witness's home  
 13 address, a detailed discussion of confidential technical information about Cisco's products, as well  
 14 as confidential business information. As such, there are compelling reasons to seal the specified  
 15 portions of this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2  
 16 (N.D. Cal. Apr. 4, 2016) (documents containing "information about [a party's] business  
 17 performance, structure, and finances that could be used to gain unfair business advantage against  
 18 them," are properly sealed).

19 **11.** Exhibit 9D to the Wong Declaration is an internal Cisco document which was  
 20 designated by Cisco in this matter as "Highly Confidential – Attorneys' Eyes Only" under the  
 21 Protective Order. This exhibit contains confidential information about Cisco competitive  
 22 strategies and interactions with customers. As such, there are compelling reasons to seal this  
 23 exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr.  
 24 4, 2016) (documents containing "information about [a party's] business performance, structure,  
 25 and finances that could be used to gain unfair business advantage against them," are properly  
 26 sealed).

1           **12.**     Exhibit 9E to the Wong Declaration is an internal Cisco email which was  
 2 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
 3 Protective Order. This exhibit contains confidential information about Cisco competitive  
 4 strategies and interactions with customers. As such, there are compelling reasons to seal this  
 5 exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr.  
 6 4, 2016) (documents containing “information about [a party’s] business performance, structure,  
 7 and finances that could be used to gain unfair business advantage against them,” are properly  
 8 sealed).

9           **13.**     Exhibit 9F to the Wong Declaration is an internal Cisco presentation which was  
 10 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
 11 Protective Order. This exhibit contains confidential information about Cisco competitive  
 12 strategies and interactions with customers. As such, there are compelling reasons to seal this  
 13 exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr.  
 14 4, 2016) (documents containing “information about [a party’s] business performance, structure,  
 15 and finances that could be used to gain unfair business advantage against them,” are properly  
 16 sealed).

17           **14.**     Exhibit 11 to the Wong Declaration is an excerpt of the deposition testimony of  
 18 Dan Lang, which was designated by Cisco in this matter as “Highly Confidential – Attorneys’  
 19 Eyes Only” under the Protective Order. Cisco supports the sealing of pp. 254-255 of this exhibit.  
 20 This portions of the exhibit contains details regarding confidential business information. As such,  
 21 there are compelling reasons to seal the specified portions of this exhibit. *See Schwartz v. Cook*,  
 22 No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents  
 23 containing “information about [a party’s] business performance, structure, and finances that could  
 24 be used to gain unfair business advantage against them,” are properly sealed).

25           **15.**     Exhibit 15, parts 1 and 2, to the Wong Declaration is a compilation of deposition  
 26 testimony and documents that were designated by Cisco in this matter as “Highly Confidential –



Attorneys' Eyes Only" under the Protective Order. Cisco supports the sealing of pages 32-67 of part 1 of this exhibit and pages 1-28, and 33-34 of part 2 of this exhibit. Pages 32-67 of part 1 of this exhibit contain confidential information about Cisco's products, competitive strategies and product testing. There are compelling reasons to seal these pages as they could be used by competitors to gain an unfair advantage. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing "information about [a party's] business performance, structure, and finances that could be used to gain unfair business advantage against them," are properly sealed). Pages 1-28 and 33-34 of part 2 of this exhibit contains confidential information about Cisco's product development, competitive strategies and manufacturing capacity. This information could likewise be used by a competitor to gain an unfair advantage and should therefore be sealed. *Id.*

**16.** Exhibit 16 to the Wong Declaration is an internal Cisco email which was designated by Cisco in this matter as "Highly Confidential – Attorneys' Eyes Only" under the Protective Order. This exhibit contains confidential information about Cisco competitive strategies and interactions with customers. As such, there are compelling reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing "information about [a party's] business performance, structure, and finances that could be used to gain unfair business advantage against them," are properly sealed).

**17.** Exhibit 17 to the Wong Declaration is an excerpt of the deposition testimony of Phillip Remaker, which was designated by Cisco in this matter as "Highly Confidential – Attorneys' Eyes Only" under the Protective Order. Cisco supports the sealing of 27:1-29:25; 38:2-45:25; 50:2-57:25; 62:1-73:24; 82:1-85:19. These portions of this exhibit contain confidential details regarding Cisco's product development and source code. As such, there are compelling reasons to seal the specified portions of this exhibit. *See Agency Solutions.Com, LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011) (source code is "undoubtedly



a trade secret” within the sealing context); *Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s] business performance, structure, and finances that could be used to gain unfair business advantage against them,” are properly sealed).

**18.** Exhibit 18 to the Wong Declaration is an excerpt of the 4/4/16 deposition testimony of Kirk Loughheed, which was designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order. Cisco supports the sealing of 259:15-260:22; 261:18-22; 267:4-295:1; 296:23-298:16, 346:18-374:18; 379:2-25. These portions of this exhibit contain details regarding the witness’s personal work history, confidential Cisco licensing information and confidential source code. As such, there are compelling reasons to seal the specified portions of this exhibit. *See Agency Solutions.Com, LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011) (source code is “undoubtedly a trade secret” within the sealing context); *Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s] business performance, structure, and finances that could be used to gain unfair business advantage against them,” are properly sealed).

**19.** Exhibit 19 to the Wong Declaration is an internal Cisco email which was designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order. This exhibit contains confidential details regarding Cisco’s product development. As such, there are compelling reasons to seal the specified portions of this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s] business performance, structure, and finances that could be used to gain unfair business advantage against them,” are properly sealed).

**20.** Exhibit 20 to the Wong Declaration is an excerpt of the deposition testimony of Tong Liu, which was designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order. Cisco supports the sealing of 8:11-19. This portion of the

1 exhibit contains the witness's home address and personal email addresses and should be sealed to  
2 protect the witness's privacy.

3       **21.** Exhibit 21 to the Wong Declaration is a compilation of deposition excerpts that  
4 were designated by Cisco in this matter as "Highly Confidential – Attorneys' Eyes Only" under  
5 the Protective Order. Cisco supports the sealing of 144:19-149:24 and 154:2-157:25 of the Li  
6 excerpt, starting on page 7 of the as-filed pdf; 123:24-125:15 of the Lougheed excerpt, starting on  
7 page 13 of the as-filed pdf; 231:21-262:25:25 of the Lougheed excerpt, starting on page 21 of the  
8 as- filed pdf; and 363:1-366:25 of the Lougheed excerpt, starting on page 26 of the as-filed pdf.  
9 Some of these excerpts are the same as those filed by Arista as part of Exhibit 18 to the Wong  
10 Declaration. The specified portion of this exhibit discusses confidential source code and the  
11 confidential development of products. As such, there are compelling reasons to seal the specified  
12 portions of this exhibit. *See Agency Solutions.Com, LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d  
13 1001, 1017 (E.D. Cal. 2011) (source code is "undoubtedly a trade secret" within the sealing  
14 context); *Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4,  
15 2016) (documents containing "information about [a party's] business performance, structure, and  
16 finances that could be used to gain unfair business advantage against them," are properly sealed).

17       **22.** Exhibit 22 to the Wong Declaration is an excerpt of the deposition testimony of  
18 Ramanathan Kavasseri, which was designated by Cisco in this matter as "Highly Confidential –  
19 Attorneys' Eyes Only" under the Protective Order. Cisco supports the sealing of this exhibit as it  
20 contains confidential details regarding Cisco's product development and source code. As such,  
21 there are compelling reasons to seal the specified portions of this exhibit. *See Agency*  
22 *Solutions.Com, LLC v. TriZetto Group, Inc.*, 819 F. Supp. 2d 1001, 1017 (E.D. Cal. 2011) (source  
23 code is "undoubtedly a trade secret" within the sealing context); *Schwartz v. Cook*, No. 5:15-cv-  
24 03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing  
25 "information about [a party's] business performance, structure, and finances that could be used to  
26 gain unfair business advantage against them," are properly sealed).

1           **23.**     Exhibit 25 to the Wong Declaration is an internal Cisco presentation which was  
2 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
3 Protective Order. This exhibit contains a detailed discussion of confidential technical information  
4 about Cisco’s products, as well as confidential business information. As such, there are  
5 compelling reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
6 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s]  
7 business performance, structure, and finances that could be used to gain unfair business advantage  
8 against them,” are properly sealed).

9           **24.**     Exhibit 26 to the Wong Declaration is an internal Cisco email which was  
10 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
11 Protective Order. This exhibit contains a detailed discussion of confidential technical information  
12 about Cisco’s products, as well as confidential business information. As such, there are  
13 compelling reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
14 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s]  
15 business performance, structure, and finances that could be used to gain unfair business advantage  
16 against them,” are properly sealed).

17           **25.**     Exhibit 27 to the Wong Declaration is an internal Cisco document which was  
18 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
19 Protective Order. This exhibit contains a detailed discussion of confidential technical information  
20 about Cisco’s products, as well as confidential business information. As such, there are  
21 compelling reasons to this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
22 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s]  
23 business performance, structure, and finances that could be used to gain unfair business advantage  
24 against them,” are properly sealed).

25           **26.**     Exhibit 29 to the Wong Declaration is an excerpt of the deposition testimony of  
26 Devedas Patil, which was designated by Cisco in this matter as “Highly Confidential – Attorneys’

1 Eyes Only” under the Protective Order. Cisco supports the sealing of 8:13-9:1. This portion of  
2 the exhibit contains the witness’s home address and should be sealed to protect the witness’s  
3 privacy.

4       **27.** Exhibit 31 to the Wong Declaration is an internal Cisco document which was  
5 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
6 Protective Order. This exhibit contains a detailed discussion of confidential technical information  
7 about Cisco’s products, as well as confidential business information. As such, there are  
8 compelling reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
9 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s]  
10 business performance, structure, and finances that could be used to gain unfair business advantage  
11 against them,” are properly sealed).

12       **28.** Exhibit 32 to the Wong Declaration is an internal Cisco email which was  
13 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
14 Protective Order. This exhibit contains a detailed discussion of confidential technical information  
15 about Cisco’s products, as well as confidential business information. As such, there are  
16 compelling reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL  
17 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s]  
18 business performance, structure, and finances that could be used to gain unfair business advantage  
19 against them,” are properly sealed).

20       **29.** Exhibit 33 to the Wong Declaration is an excerpt of the deposition testimony of  
21 Phillip Remaker, which was designated by Cisco in this matter as “Highly Confidential –  
22 Attorneys’ Eyes Only” under the Protective Order. Cisco supports the sealing of 8:17-18. This  
23 portion of the exhibit contains the witness’s home address and should be sealed to protect the  
24 witness’s privacy.

25       **30.** Exhibit 37 to the Wong Declaration is an excerpt of the opening expert report of  
26 Kevin Almeroth, which was designated by Cisco in this matter as “Highly Confidential –

1 Attorneys' Eyes Only" under the Protective Order. Cisco supports the sealing the first two  
2 sentences of paragraph 261. of 8:13-9:1. This portion of the exhibit contains information about  
3 Cisco's source code and related third-party source code, which relates to a confidential license.  
4 Therefore, these two sentences should be sealed. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF,  
5 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents containing "information about [a  
6 party's] business performance, structure, and finances that could be used to gain unfair business  
7 advantage against them," are properly sealed).

8 **31.** Exhibit 45 to the Wong Declaration is an internal Cisco document which was  
9 designated by Cisco in this matter as "Highly Confidential – Attorneys' Eyes Only" under the  
10 Protective Order. This exhibit contains confidential information about Cisco's competitive  
11 strategies and would cause substantial harm to Cisco if disclosed publicly. *See Delphix*, 2014 WL  
12 4145520, at \*2; *Koninklijke Philips*, 2015 WL 581574, at \*1-2.

13 **32.** As such, there are compelling reasons to seal this exhibit. *See Schwartz v. Cook*,  
14 No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents  
15 containing "information about [a party's] business performance, structure, and finances that could  
16 be used to gain unfair business advantage against them," are properly sealed).

17 **33.** Exhibit 48 to the Wong Declaration is an excerpt of the deposition testimony of  
18 Deepak Malik which was designated by Cisco in this matter as "Highly Confidential – Attorneys'  
19 Eyes Only" under the Protective Order. Cisco seeks to seal 14:11-13 This portion of the exhibit  
20 contains the personal address of the witness which should be sealed to protect the witness's  
21 privacy.

22 **34.** Exhibit 51 to the Wong Declaration is an excerpt of the deposition testimony of  
23 John Hartingh, which was designated by Cisco in this matter as "Highly Confidential – Attorneys'  
24 Eyes Only" under the Protective Order. Cisco supports the sealing of 30:1-33:25 and 178:1-  
25 180:9. These portions of this exhibit contain confidential details regarding Cisco's competitive  
26 strategies and competitive intelligence practices. Cisco would suffer competitive harm were this

1 information were disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*,  
2 2015 WL 581574, at \*1-2.

3       **35.** Exhibit 52 to the Wong Declaration is an excerpt of the deposition testimony of  
4 Drew Pletcher, which was designated by Cisco in this matter as “Highly Confidential – Attorneys’  
5 Eyes Only” under the Protective Order. Cisco supports the sealing of 99:4-105:25. These  
6 portions of this exhibit contain confidential details regarding Cisco’s competitive strategies and  
7 competitive intelligence practices. Cisco would suffer competitive harm were this information  
8 were disclosed publicly. *See Delphix*, 2014 WL 4145520, at \*2; *Koninklijke Philips*, 2015 WL  
9 581574, at \*1-2.

10       **36.** Exhibit 53 to the Wong Declaration is an internal Cisco email which was  
11 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
12 Protective Order. This exhibit contains confidential information about Cisco’s product  
13 architecture and competitive strategies. As such, there are compelling reasons to seal this exhibit.  
14 *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016)  
15 (documents containing “information about [a party’s] business performance, structure, and  
16 finances that could be used to gain unfair business advantage against them,” are properly sealed).

17       **37.** Exhibit 55 to the Wong Declaration is an internal Cisco email which was  
18 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
19 Protective Order. This exhibit contains confidential information about Cisco’s product  
20 development and customer interactions. As such, there are compelling reasons to seal this exhibit.  
21 *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016)  
22 (documents containing “information about [a party’s] business performance, structure, and  
23 finances that could be used to gain unfair business advantage against them,” are properly sealed).

24       **38.** Exhibit 56 to the Wong Declaration is an internal Cisco document which was  
25 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
26 Protective Order. This exhibit contains confidential details regarding Cisco’s product

1 development. As such, there are compelling reasons to seal the specified portions of this exhibit.  
2 *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016)  
3 (documents containing “information about [a party’s] business performance, structure, and  
4 finances that could be used to gain unfair business advantage against them,” are properly sealed).

5 **39.** Exhibit 57 to the Wong Declaration is an internal Cisco email which was  
6 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
7 Protective Order. This of this exhibit contains confidential details regarding Cisco’s product  
8 development. As such, there are compelling reasons to seal the specified portions of this exhibit.  
9 *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016)  
10 (documents containing “information about [a party’s] business performance, structure, and  
11 finances that could be used to gain unfair business advantage against them,” are properly sealed).

12 **40.** Exhibit 59 to the Wong Declaration is an internal Cisco presentation which was  
13 designated by Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the  
14 Protective Order. This exhibit contains confidential information about Cisco’s market share and  
15 competitive strategies. As such, there are compelling reasons to seal this exhibit. *See Schwartz v.*  
16 *Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at \*2 (N.D. Cal. Apr. 4, 2016) (documents  
17 containing “information about [a party’s] business performance, structure, and finances that could  
18 be used to gain unfair business advantage against them,” are properly sealed).

19 **41.** Exhibit 61 to the Wong Declaration is Cisco document which was designated by  
20 Cisco in this matter as “Highly Confidential – Attorneys’ Eyes Only” under the Protective Order.  
21 This exhibit contains confidential information about a license. As such, there are compelling  
22 reasons to seal this exhibit. *See Schwartz v. Cook*, No. 5:15-cv-03347-BLF, 2016 WL 1301186, at  
23 \*2 (N.D. Cal. Apr. 4, 2016) (documents containing “information about [a party’s] business  
24 performance, structure, and finances that could be used to gain unfair business advantage against  
25 them,” are properly sealed).



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